IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.472 OF 2005

Anil Prabhakar Malandkar. .. .. Petitioner
v/s.
Mah. Hsg. and Area Development Authority & anr. .. .. Respondents

Mr.P.M.Havnur for petitioner.

Mr.G.W. Mattos, AGP for respondents.

CORAM : H.L. GOKHALE & S.C.DHARMADHKARI, JJ.

DATED : 21ST MARCH 2005

P.C. :

1. Heard the learned Counsel for the parties.

2. Rule. Rule is made returnable forthwith. The Counsel for the respondents waives service.

3. The petitioner has paid the entire premium amount to the respondents as regards the plot of land situate at Gorai-I, Borivali, allotted to him by respondent No.1. In view thereof, respondent No.1 is directed to raise the attachment in respect of the properties attached by it. The only dispute that now remains is as regards the

payment of interest, including penal interest and interest on delayed payments.

4. The petitioner shall make a representation to the Vice President and the Chief Executive Officer as regards his grievances regarding the payment of interest and/or the waiver thereof within a period of one week from today. The said officer shall consider the representation of the petitioner within a period of six weeks from the date of receipt of the said representation and shall dispose of the same, uninfluenced by the audit objections or any other objections in respect thereof.

5. Respondent No.1 is directed to withdraw the Notice dated 16th December 2002 issued by it and communicate the withdrawal thereof to the Municipal Corporation within one week.

6. Till the representation of the petitioner is decided by the Vice President and the Chief Executive Officer, the petitioner is restrained from selling and/or creating the third party rights in respect of 25% of the shops that are constructed by him on the writ property.

7. Petition stands disposed of accordingly.

8. No costs.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)